



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

be taken or impaired, even for a public use, without just compensation. *Coney Island etc., R. R. Co. v. Kennedy*, 48 N. Y. Supp. 825; *Wilmington & W. R. Co. v. Reid*, 13 Wall. 264. It is not property, however, which is liable to seizure and sale. *Stein v. Mobile*, 17 Ala. 234. *Contra, People v. O'Brien*, 111 N. Y. 1. Neither does it pass to the general assignee for creditors. *Fertsom v. Hay*, 122 Ill. 293. It is generally recognized that corporate franchises are taxable by the common law or have been made so by statute. *Edison Electric Illum. Co. v. Spokane*, 22 Wash. 168; *New Orleans v. New Orleans etc. Co.*, 40 La. Ann. 587; *Fond du Lac Water Co. v. Fond du Lac*, 82 Wis. 322. On principle, if the taxing power has the right to tax the corporate franchise as property of the corporation, the corporation should in turn have the right to insist that the franchise be reckoned as property in determining at what rate the corporation must sell its gas in order to earn a fair income from its property.

TELEGRAPHS AND TELEPHONES—DEATH MESSAGES—MENTAL ANGUISH.—*ALS BROOK V. WESTERN UNION TEL. CO.*, 150 N. W. (IOWA) 75.—*Held*, delay in the transmission of a message announcing the death of plaintiff's mother warrants recovery for mental anguish suffered by the addressee because of the delay in reaching the place of the funeral and meeting his relatives there as early as he would otherwise have done.

The usual damages recoverable in case of breach of contract are limited to pecuniary and property loss and there can be no recovery for mental anguish. *Hall v. Jackson*, 24 Colo. App. 225. A well-recognized exception is the case of breach of contract to marry where damages recoverable may include full compensation for the pain, mortification and wounded feelings of the plaintiff. *Liese v. Meyer*, 143 Mo. 547. In the case of torts, the general rule is that mental suffering can be recovered for only when it is the result of bodily injury. *Samarra v. Allegheny Valley St. Ry. Co.*, 238 Pa. 469. But recovery may be had for mental anguish in case of willful or wanton wrongs or those committed with malice and intention to cause mental distress. *Small & Co. v. Lonergan*, 81 Kans. 48. The doctrine adopted by the principal case that recovery may be had for mental anguish due to the neglect and delay of the death message represents the minority view which was first promulgated in Texas. *So Relle v. Western Union Tel. Co.*, 55 Tex. 308; *Western Union Tel. Co. v. Crumpton*, 138 Ala. 632. And a few jurisdictions have expressly recognized this doctrine by statute. *Western Union Tel. Co. v. Shenep*, 83 Ark. 476; *Simmons v. W. U. Tel. Co.*, 63 S. C. 425. But in order to render the telegraph company liable, the company must have notice from the language of the message, or otherwise, that by reason of its default, such damages would be likely to result. *Williams v. Western Union Tel. Co.*, 136 N. C. 82. The great weight of authority is that there can be no recovery for mental anguish, where, due to the telegraph company's negligence in delivering the message, the plaintiff is prevented from seeing a near relative before death or from being present at the funeral. *Western Union Tel. Co. v. Halton*, 71 Ill. App. 63; *Austin v. Western Union Tel. Co.*, 42 N. Y. Supp. 1109.